

REMARKS

In the Office Action, the Examiner rejected Claims 1-22 as being based upon a defective reissue oath under 35 U.S.C. §251. In response, Applicant requests that the defective reissue oath be replaced with the Reissue Application Declaration by the Inventor submitted concurrently herewith, as Exhibit A. The new Reissue Application Declaration by the Inventor states that the original patent is believed to be wholly or partly inoperative or invalid by reasons of other errors. The other error is described as an error in inventorship which occurred without deceptive intent. In particular, an application was originally filed which matured into U.S. Pat. No. 6,171,102 naming Scott H. Freeman and Frank H. Asbury as the inventors. However, the inventorship should be Faith Freeman, Scott H. Freeman and Frank H. Asbury. During prosecution of the reissue application, the inventorship was corrected by Applicant's Response submitted on October 28, 2002 and acknowledged by the Examiner as shown in the Office Action of February 5, 2003. Accordingly, by submitting the new reissue application declaration by the inventor, the Examiner's rejection of Claims 1-22 have been overcome based on a contention that the substitute Reissue Application Declaration by the Inventors names at least one error.

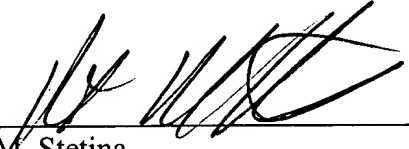
For the foregoing reasons, Claims 1-22 are believed to be in condition for allowance. An early notice to such effect is therefore respectfully requested. Should the Examiner have any suggestions or questions, the Examiner is invited to contact the Applicant's representative at the telephone number listed below.

If any additional fee is required, please charge Deposit Account Number 19-4330.

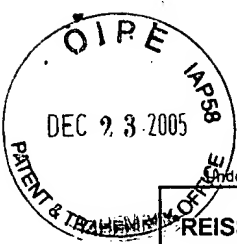
Respectfully submitted,

Date: 12/20/05 By: _____

Customer No.: 007663



Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

REISSUE APPLICATION DECLARATION BY THE INVENTOR	Docket Number (Optional) FREEM-174XQ
--	--

As a below named inventor, I hereby declare that:
My residence, mailing address and citizenship are stated below next to my name.
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,171,102, granted 01/09/2001, and for which a reissue patent is sought on the invention entitled DECORATIVE CANDLE DISPLAY

the specification of which

- ☐ is attached hereto.
- ☒ was filed on 06/14/2001 as reissue application number 09 / 883,168
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☒ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Scott H. Freeman and Frank H. Asbury were named as the inventors of the application which matured into U.S. Patent No. 6,171,102. However, the inventorship should be Faith Freeman, Scott H. Freeman and Frank H. Asbury.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)
FREEM-174XQ

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Kit M. Stetina Registration Number 29,445

Correspondence Address: Direct all communications about the application to:

☒ Customer Number

007663

Type Customer Number here

Place Customer Number Bar
 Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Kit M. Stetina, STETINA BRUNDA GARRED & BRUCKER				
Address	75 Enterprise, Suite 250				
Address					
City	Aliso Viejo	State	CA	Zip	92656
Country	USA				
Telephone	949-855-1246	Fax	949-855-6371		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.					
Full name of sole or first inventor (given name, family name)					
Scott H. Freeman					
Inventor's signature		Date <u>12-19-05</u>			
Residence <u>Huntington Beach</u>		Citizenship <u>USA</u>			
Mailing Address <u>19582 Cloverwood Circle, Huntington Beach, CA 92648</u>					
Full name of second joint inventor (given name, family name)					
Frank H. Ashbury					
Inventor's signature		Date <u>12/19/05</u>			
Residence <u>Anaheim</u>		Citizenship <u>USA</u>			
Mailing Address <u>144 North Trevor Street, Anaheim, CA 92806</u>					
Full name of third joint inventor (given name, family name)					
Faith Freeman					
Inventor's signature		Date <u>12/19/05</u>			
Residence <u>Huntington Beach</u>		Citizenship <u>USA</u>			
Mailing Address <u>19582 Cloverwood Circle, Huntington Beach, CA 92648</u>					
<input type="checkbox"/> Additional joint inventors are named on separately numbered sheets attached hereto.					